

UNITED STATES DISTRICT COURT
FOR THE STATE OF MASSACHUSETTS

Leon McLean A36 843 530
Petitioner's Name and Number

05 - 10952 DPW
Sec.P.
Civil Action Number

Judge

VS.
Alberto Gonzalez, Attorney General;
J. Eric Dietz, Secretary DHS;
Frank Monin, Director, HQ-P.O.D.U
et al.
Name of Respondent

Magistrate Judge

APPLICATION FOR FEDERAL WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. §2241

1. Present place of confinement Federal Detention Center, Oakdale, LA 71463
2. Indicate the basis for your petition and complete the portions of the application form indicated:

- a. _____ A conviction.
- b. _____ A sentence. CAUTION: If you are attacking a sentence imposed under a federal judgment, you must first file a direct motion under 28 U.S.C. §2255 in the federal court which entered the judgment.
- c. _____ Prison discipline.
- d. _____ A parole problem.
- e. _____ A detainer placed by the State of _____.
- f. XXX A deportation order or detainer placed by the Immigration & Naturalization Service.
- g. _____ Continued detention in the custody of the Immigration & Naturalization Service.
- h. _____ Other _____

3. PERSONS CHALLENGING A FEDERAL CONVICTION OR SENTENCE COMPLETE THIS PART.

- a. Name and location of court which entered judgment of conviction and the sentence you are currently serving and which is currently under attack. _____
- b. Date of judgment of conviction. _____
- c. Length of sentence imposed. _____

- d. Name of sentencing judge. _____
- e. Nature of the offense(s) for which you were convicted (list all counts). _____

- f. What was your plea?
_____ Guilty
_____ Not Guilty
_____ Nolo Contendere

If you entered a GUILTY plea to one count or indictment and a NOT GUILTY plea to another count or indictment, give details. _____

- g. Type of trial.
_____ Jury
_____ Judge Only

- h. Did you testify at trial?
_____ Yes
_____ No

- i. Did you appeal from the judgment of conviction?
_____ Yes
_____ No

- j. If you did appeal, answer the following:

1. Name of court. _____
2. Result of appeal. _____

3. Date of result. _____
4. Grounds raised on appeal. _____

- k. Other than a direct appeal from the judgment of conviction and sentence, have you filed any other petitions, applications or motions with respect to this judgment in any court, state or federal?
_____ Yes _____ No

If YES, give the following information:

1. Name of court. _____
2. Nature of proceeding. _____
3. Grounds raised. _____

(i) Did you receive an evidentiary hearing on the petition, application, or motion?

_____ Yes

_____ No

(ii) If YES, give the following information:
Result. _____

Date of result. _____

l. Have you filed a motion under Section 2255 of Title 28 of the United States Code to vacate, set aside, or correct the sentence imposed?

_____ Yes

_____ No

If YES, what grounds were presented? _____

m. Do you have any petition, application, or appeal pending in any court, state or federal?

_____ Yes

_____ No

If YES, give the following information:

1. Name of court. _____
2. Nature of proceeding. _____
3. Date of filing. _____
4. Suit Number. _____
5. Current status. _____

n. Have you been sentenced on more than one count of an indictment, or on more than one indictment in the same court at the same time?

_____ Yes

_____ No

o. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack in this petition?

_____ Yes

_____ No

If YES, give the following information:

1. Name and location of the court which imposed the sentence to be served in the future. _____
2. Length of sentence to be served in the future. _____
3. Have you filed or do you contemplate filing any petition attacking the judgment which imposed the future sentence.
_____ Yes
_____ No

4. PERSONS CHALLENGING A DECISION BY THE PAROLE COMMISSION COMPLETE THIS PART.

- a. Have you presented this claim or any other claim challenging the Parole Commission's decision to the National Appeals Board or any other available agency for review?

_____ Yes
_____ No

If YES, what was the result? _____

5. PERSONS CHALLENGING A STATE DETAINER COMPLETE THIS PART.

- a. Have you presented this claim or any other claim concerning the legality of the state detainer placed against you to that state's highest court? (NOTE: Interstate Agreement on Detainers)

_____ Yes
_____ No

6. PERSONS CHALLENGING ACTIONS BY THE IMMIGRATION & NATURALIZATION SERVICE COMPLETE THIS PART.

- a. Have you presented this claim or any other claim concerning the INS's action to the Board of Immigration Appeal?

_____ XXXX Yes
_____ No

If YES, what was the date and result of the appeal? April 15, 2005

7. THIS SECTION IS TO BE COMPLETED BY ALL PETITIONERS.

Specifics of your claim. State concisely and clearly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. Do not cite case law. Give only factual information.

GROUND ONE Evidence was not "clear and convincing"

SUPPORTING FACTS The evidence relied upon by the BICE was contradicted by another piece of evidence (there were two(2) different conviction reports for the same crime, both showing different dispositions.

GROUND TWO

SUPPORTING FACTS

GROUND THREE

SUPPORTING FACTS

GROUND FOUR

SUPPORTING FACTS

5-03-05
Date

Leon M. Freeman
Signature of Petitioner

x:proseforms